IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION Nos.7537 of 2005 & 11225 of 2005

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WRIT PETITION NO : 7537 of 2005

Between:

A.Laxminaryana Goud, S/o.A.Raja Goud,
O/o.RWS, Sadasivapet, Sanga Reddy, Medak District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep.by its Secretary to Government, Panchayat Raj and Rural Development
Department, Secretariat, Hyderabad.
2 The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Hyderabad.
3 M.Ananda Rao, Executive Engineer (P.R.) Gadwal, Mahbubnagar District, Zone-IV.
4 N.Suryanarayana, Personal Assistant to Superintending Engineer, Panchayat Raj, Kurnool, Kurnool District,
Zone-III.
5 N.Veerabhadra Sarma, Executive Engineer (Fisheries) O/o. Director of Fisheries, Tankbund, Hyderabad.

6 P.Janardhan Rao, Executive Engineer (P.R), Jagityal, Karimnagar District.
7 C.Raja Mohan Rao, Executive Engineer (P.R) Paloncha, Khammam Dist.
8 G.Krishna Gopal, Executive Engineer, S.C.Corporation, Nalgonda.
9 Radhakrishna, Executive Engineer (P.R) Sanga Reddy, Medak District.
10 Ambati Jagnnadham, I/c Chief Engineer (P.R.) Department, Errammanzil, Hyderabad

11 K.Satyanarayana, I/c. Chief Engineer (P.R) Swamy Ramananda Theertha Buildings, Errammanzil, Hyderabad.
12 M.Lakshma Reddy, Superintending Engineer, P.R.Nalgonda.
13 I. Sumidha Ranga Rao, I/c. Superintending Engineer, P.R.Department, RWS, R.R.District, R/o.No.1-1-419/A/3/1, Gandhinagar, Hyderabad.

14 C.V.S.Rama Murthy, S/o.C.M.Ramachandra Murthy,

Incharge Superintendent Engineer DCE (Admn),

O/o.Engineer-in-Chief, P.R.E. Department,

Hyderabad.

(Respondent No.14 is impleaded as per the orders of this Court dated 26.04.2005 in WPMP.No.10975/2005)

(Respondents 6 to 13 are not necessary parties)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature writ of "certiorari" calling for the records relating to order dated 23-03-2005 passed in O.A.No.6882/1996 and batch by the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as unjust and without any basis and consequently direct the 1st and 2nd respondents to consider the case of the petitioner for promotion to the post of chief Engineer basing on the length of service in the cadre of Superintending Engineer and in terms of only provisional seniority list issued in memo.No.42137/Esst-I (11) 99-4 dated 23-02-2000 in cadre of Executive Engineers, in the interest of justice and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.RATNA REDDY

Counsel for the Respondent Nos.1&2: GP FOR SERVICES II

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WRIT PETITION No: 11225 of 2005

Between:

A. Ravinder Reddy, S/o. A. Linga Reddy,

Superintending Engineer, Panchayat Raj Department,

Medak, Medak District.

….. PETITIONER

AND

1. The Government of A.P., rep., by its Secretary,

Panchayat Raj & Rural Development (Estt-III) Department,

Secretariat, Hyderabad.

2. The Engineer-in-Chief,

Panchayat Raj Engineering Department,

Errum Manzil, Hyderabad.

3. M. Ananda Rao, Executive Engineer (PR)

Gadwal, Mahaboobnagar District, Zone-IV.

4. N. Suryanarayana, Personal Assistant to

Superintending Engineer, Panchayat Raj,

Kurnool, Kurnool District, Zone-III.

5. N. Veerabhadra Sarma, Executive Engineer (Fisheries),

O/o. Director of Fisheries, Tankbund, Hyderabad, Zone-II.

….. RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature writ of "certiorari" calling for the records relating to order dated 23-03-2005 passed in O.A.No.6882/1996 and batch by the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as unjust and without any basis and consequently direct the 1st and 2nd respondents to consider the case of the petitioner for promotion to the post of chief Engineer basing on the length of service in the cadre of Superintending Engineer and in terms of only provisional seniority list of Executive Engineers issued in Memo.No.42137/Esst-I (11) 99-4 dated 23-02-2000 with all consequential benefits and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.NAVEEN RAO

Counsel for the Respondent Nos.1&2: GP FOR SERVICES-II

The Court made the following order:

ORAL COMMON ORDER:- (PER GB,J.)

Both the Writ Petitions can be disposed of by a common order as they arise out of a common order, dated 23.03.2005, passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.6882 of 1996.

2. Though the matter relates to an unending fixing of seniority list in the cadre of

Engineers in Panchayat Raj Department, we are not inclined to go in to the merits of the case.

3. The Tribunal disposed of the O.A. with the following direction:

> "There was a general agreement on behalf of the counsel appearing for the applicants as well as the Government that in view of the averments made in the counter affidavit by the Engineer-in-Chief, supported by the Government that action is being taken to issue a revised confirmed seniority list, it is not possible to formulate the well delineated list in this case. in view of this, at this stage, it cannot be said that there is any list which can be adjudicated by this Tribunal in the category of Assistant Executive Engineers or higher categories, which necessarily depend on the seniority in the lower category. In view of this, all these O.As. are being disposed of, with a direction to the 1st respondent i.e., the Secretary to Government, Panchayat Raj and Rural Development Department to finalise the confirmed seniority list in the category of Assistant Executive Engineers and thereafter proceed to fix the seniority in the higher categories strictly in accordance with law. This exercise shall be completed within a period of three months, as there is considerable uncertainty is being prevailing in the Department for long time on account of the situation arising out of non finalisation of the confirmed seniority list. In view of the disposal of the main O.As., M.As., and C.A. stand closed. No costs."

4. Learned counsel for the petitioners submits that they have not given any general consent and they were also not heard on merits of the case therefore, the order of the Tribunal on facts is not sustainable.

5. On the other hand, learned Government Pleader submits that as it was a general consensus order, the petitioners are bound by it and they cannot challenge the same. If at all they are aggrieved, it is open for them to seek review of the order in accordance with rules.

6. We have heard both the learned counsel.

7. It is seen from the order of the Tribunal that without going into the merits of the case it disposed of the matter as extracted above. If the petitioners are aggrieved

that they were not parties to the general agreement or they have not been heard, we leave it open for them to take appropriate steps to file review, but it is not a case for admission.

8. Accordingly, we dismiss the Writ Petition leaving it open for the petitioners to seek review, if they so choose. No costs.

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G. BIKSHAPATHY, J

Date: 26.04.2005

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P.S. NARAYANA, J

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To

1 The Secretary, Government of Andhra Pradesh,
Panchayat Raj and Rural Development
Department, Secretariat, Hyderabad.
2 The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Hyderabad.
3 The Secretary, Govt. of A.P., Panchayat Raj and Rural Development (Estt.III)
Department, Secretariat, Hyderabad.

4 The Engineer-in-Chief, Panchayat Raj, Engineering Department, Errum Manjil, Hyderabad.

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CCs to the GP for Services-II, High Court buildings, Hyderabad (OUT)

7 2 CD copies

8 1 CC to MR.MOHAN REDDY